

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
UNITED STATES OF AMERICA	)	
	)	
	)	
v.	)	Criminal No. 05-CR-10176 (RCL)
	)	
BRANDON DELGADO,	)	
	)	
Defendant.	)	
_____	)	

**OPPOSITION TO DEFENDANT'S SUPPLEMENTAL MOTION FOR RELEASE FROM  
CUSTODY AS TO BRANDON DELGADO**

The United States of America opposes Defendant Brandon Delgado's Supplemental Motion for Release from Custody. Defendant still proposes Ms. Kelley as his primary third party custodian. She is still unacceptable as a third party custodian since, even according to defendant, her driving under the influence of alcohol charge is still pending. Moreover, Ms. Kelley cannot be viewed as a reliable custodian who will ensure Mr. Delgado's appearance when Ms. Kelley herself failed to appear at least twice (July 21, 2005; September 6, 2005) in this Court.

For the reasons set forth in the Court's September 12, 2005 detention order, defendant is still a danger to the community. As the Court stated, "the defendant is alleged to have committed the instant offenses while he was on bail . . . on firearms charges in Bristol Superior Court." 9/12/05 Order, p. 2. This is unaltered by the fact that the charges are no longer pending

in Bristol. As the Court also noted, the defendant is charged with intent to distribute and distributing cocaine or crack cocaine on a number of occasions. The Court noted that the "Government's evidence in this case is strong; it is highly likely that the defendant will be convicted." 9/12/05 Order, p. 2. Therefore, the government respectfully requests that the defendant's supplemental motion for release from custody be denied.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Cynthia W. Lie

CYNTHIA W. LIE  
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Dated: December 16, 2005